

**Notice of Allowability**

Application No.

10/690,282

Applicant(s)

PASUPULETI ET AL.

Examiner

Myron G. Hill

Art Unit

1648

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 1/10/07 and interview as indicated in Examiner's amendment.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 1/10/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Barry Wilson on 3/5/07.

The application has been amended as follows:

1. (Currently amended) An oligonucleotide of between 20 to 70 nucleotides in length and having a sequence selected from the group consisting of:

5'-CAA CCT CCA ATC ACT CAC CAA CTG CCG GAG CGG ACA  
TTA CAA ACG-3' (SEQ ID NO:4), and

5'-ATA TGA TAA AAC GCC GCA GAC ACA AAA TCC GGT AGT AAC  
TTG CTA ACC-3' (SEQ ID NO:5), and

~~5'-TAG GCA GGT CAT TGG CAA CAG TG-3' (SEQ ID NO:6).~~

2. (Original) The oligonucleotide of claim 1, wherein said oligonucleotide is conjugated to a detectable label.
3. (Original) The oligonucleotide of claim 2, wherein the detectable label is a fluorescent dye.
4. (Original) The oligonucleotide of claim 2, wherein the detectable label is a fluorescent energy transfer dye pair.
5. (Currently amended) The oligonucleotide of claim ~~[[4]]~~ 12, wherein the oligonucleotide is 5' [6-carboxy, 4'5'dichloro 2',7' dimethoxy fluresceine

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(JOE)]-TAG GCA GGT CAT TGG CAA CAG TG-[6-carboxytetramethylrhodamine (TAMRA)]3'.

6. (Previously presented) The oligonucleotide of claim 1, wherein said oligonucleotide is SEQ ID NO:4.

7. (Previously presented) The oligonucleotide of claim 1, wherein said oligonucleotide is SEQ ID NO:5.

8. (Currently amended) The oligonucleotide of claim [[1]] 9, wherein said oligonucleotide is SEQ ID NO:6.

9. (New) An oligonucleotide having a nucleotide sequence consisting essentially of 5'-TAG GCA GGT CAT TGG CAA CAG TG-3' (SEQ ID NO:6).

10. (New) The oligonucleotide of claim 9, wherein said oligonucleotide is conjugated to a detectable label.

11. (New) The oligonucleotide of claim 9, wherein the detectable label is a fluorescent dye.

12. (New) The oligonucleotide of claim 9, wherein the detectable label is a fluorescent energy transfer dye pair.

The first line of the specification was amended to read:

This application is a continuation of US Ser# 10/007,073, filed 12/04/2001 now US PAT 6,635,428.

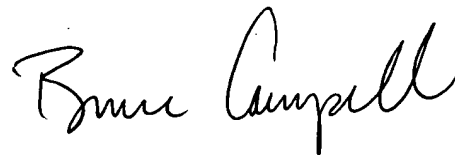
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myron G. Hill whose telephone number is 571-272-0901. The examiner can normally be reached on 8:30 am-5 pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Myron G. Hill  
Patent Examiner  
3/16/07



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